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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,395	12/21/2000	Christopher J. Howard	3936P001D	4122

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EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

3621

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,395

Applicant(s)

HOWARD ET AL.

Examiner

Pierre E. Elisca

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20,21,23,84,85,87 and 92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20,21,23,84,85,87 and 92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to Applicant's amendment, filed on 06/13/2005.
2. Claims 20, 21, 23 and 84-92 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 20, 21, 23, 84, 85 and 86-92 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Glogau, Jordan (WO 9825373)** and **Kim et al. (U.S. Pat. No. 5,799,081)** in view of O.

As per claims 20, 21, 23 and 86-92 Glogau substantially discloses a copy protection system/method that protects web sites (web sites or content distributed) and other works in computer readable form from unauthorized access and/or reproduction (which is readable as Applicant's claimed invention wherein it is stated that a method of receiving compensation for a security system for protecting content distributed on a network), comprising:

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selling (terms and condition) a server security program to a content provider (see., abstract, or selling web sites to authorize user, page 19, lines 3-20, terms and condition);

selling a plurality of copies for a limited-use program to the content provider for licensing to users wishing to access the content (see., abstract, page 5, lines 6-20, page 9, lines 22 and 23, page 10, lines 1-24, page 11, lines 1-20, page 19, lines 3-20).

It is to be noted that Glogau fails to explicitly disclose the step wherein the server security program distributes the content to a client system if the client system has a limited-use client program and wherein the limited-use client program is configured to limit, in at least one way, non-ephemeral reproduction of the content at the client system distributed content is displayed by the limited-use client program. However, Kim discloses an illegal view/copy protection for a digital broadcasting including a reproducibility control field for limiting the reproduction of a copied program see., abstract, col 5, lines 64-67, col 6, lines 1-17. Applicant should note that the digital broadcasting of Kim can also be a one way communication or reproduction). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the copy protection method/system of Glogau by including the limitations detailed above as taught by Kim because this would prevent from being illegally viewed or copied to thereby protect its copyright.

Glogau and Kim fail to disclose Applicant's newly added limitations wherein said a web browser program disable reproduction functions of the web browser program. O'Brien discloses a set of files that a web browser can access and is

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controlled such that the browser effectively operates within its own limited execution content (see., abstract, col 7, lines 3-26). Accordingly it would have obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings Glogau and Kim by including the limitations detailed above as taught by O'Brien because this would enforce a policy that only allows certain computing resources to be accessed.

As per claims 84 and 85, Glogau discloses a copy protection system/method that protects web sites (web sites or content distributed) and other works in computer readable form from unauthorized access and/or reproduction (which is readable as Applicant's claimed invention wherein it is stated that a method of receiving compensation for a security system for protecting content distributed on a network), comprising:

providing network accessible protected content from a source (see., abstract, selling web sites to authorize user (or protected content or protected web sites, page 19, lines 3-20);

authorize downloading of protected content from a source to a client system (see., abstract, specifically wherein it is stated that upon passing the test, the copy protection system grants the end-user a license and enables the end-user to download software that facilitates access);

preventing, in at least one way and until compensation is received non-ephemeral reproduction of the downloaded content by the client system until compensation is

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received (see., page 5, lines 6-20, specifically wherein it is stated that a licensed or authorized end-user may download site copying software to an associated end-user computer system from the copy protection system server..).

It is to be noted that Glogau fails to explicitly disclose Applicant=s newly added limitations wherein the server security program distributes the content to a client system if the client system has a limited-use client program and wherein the limited-use client program limits reproduction of the content at the client system in at least one way. However, Kim discloses an illegal view/copy protection for a digital broadcasting including a reproducibility control field for limiting the reproduction of a copied program see., abstract, col 5, lines 64-67, col 6, lines 1-17. Applicant should note that the digital broadcasting of Kim can also be a one way communication or reproduction). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the copy protection method/system of Glogau by including the limitations detailed above as taught by Kim because this would prevent from being illegally viewed or copied to thereby protect its copyright.

Glogau and Kim fail to disclose Applicant's newly added limitations wherein said a web browser program disable reproduction functions of the web browser program. O'Brien discloses a set of files that a web browser can access and is controlled such that the browser effectively operates within its own limited execution content (see., abstract, col 7, lines 3-26). Accordingly it would have obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings Glogau and Kim by including the limitations detailed

above as taught by O'Brien because this would enforce a policy that only allows certain computing resources to be accessed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre Eddy Elisca

Primary Patent Examiner

August 15, 2005